IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4539 OF 2006

Dr. Sou. Arti Bhosale Patil ..Applicant.
V/s
Dr. Vilas Vithal Bhosale Patil
And Ors. ..Respondents.

Shriram S. Kulkarni, Advocate for the applicant.
Smt. V.R.Bhosale, A.P.P.for the State-Respondent No.5.

CORAM : J.H. BHATIA, J.

DATE : 15TH JANUARY, 2007.

P.C.

. Heard Mr. Kulkarni, learned Counsel for the petitioner. The petitioner is wife of respondent No.1 and respondent Nos. 2 to 4 are in-laws of the petitioner. After the relations between husband and wife got strained, the petitioner filed a report at the police station Nasik. However, as the offence of cruelty against her was committed within the jurisdiction of Udgir, the report was transferred by Nasik Police to Udgir Police and investigation was taken up by Udgir Police. Udgir police has already filed the charge-sheet against the accused persons. By this application, the petitioner wants that the said criminal

case be transferred to the Court of Nasik, in view of the allegations made in the application, one of them is that there are threats from the respondents to the father of the applicant, secondly, other matrimonial matters are already pending at Nasik and thirdly, she being a woman it will be convenient to her, if the matter is transferred to Nasik.

2. Undoubtedly, the alleged offence appears to have been committed within the jurisdiction of Udgir Court. The accused persons are also residing at Udgir. It is not a private complaint where the complainant is required to attend the Court on every date. The petitioner and her relatives may be required to attend Udgir Court only when they receive witness summons to give evidence before the Court and for that they can claim T.A.D.A. from the State. On the other hand, if the matter is transferred to Nasik, on every date till its disposal four accused persons will be required to travel from Udgir to Nasik and that too at their own cost. Thus, it will be very inconvenient to the accused persons if the matter is transferred to Nasik, while no inconvenience will be caused to the petitioner if the matter continues at Udgir. Merely, because certain

matrimonial cases are presently pending at Nasik, there may be no justification to transfer the criminal case from Udgir to Nasik. As far as allegation of threat is concerned, the petitioner or her father are at liberty to move the competent authorities for necessary protection.

3. In view of the circumstances noted above, I find no merit in the present application. Application stands dismissed summarily with liberty to the petitioner or her father to move the competent authority for protection as and when it is necessary and I am sure the competent authority will take appropriate action.

(J.H. BHATIA, J.)